

08-24-01

**UTILITY PATENT APPLICATION TRANSMITTAL**  
**(Small Entity)**

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Docket No.  
P-191

Total Pages in this Submission

08/23/01  
jc796 U.S. PTO**TO THE ASSISTANT COMMISSIONER FOR PATENTS**Box Patent Application  
Washington, D.C. 20231

Transmitted herewith for filing under 35 U.S.C. 111(a) and 37 C.F.R. 1.53(b) is a new utility patent application for an invention entitled:

Methods for Treatment of Scleroderma

and invented by:

Clark M. Whitehead, Keith A. Earle, Hector W. Alila and W. Joseph Thompson

089/938160  
08/23/01

If a CONTINUATION APPLICATION, check appropriate box and supply the requisite information:

Continuation    Divisional    Continuation-in-part (CIP) of prior application No.: \_\_\_\_\_

Which is a:

Continuation    Divisional    Continuation-in-part (CIP) of prior application No.: \_\_\_\_\_

Which is a:

Continuation    Divisional    Continuation-in-part (CIP) of prior application No.: \_\_\_\_\_

Enclosed are:

**Application Elements**

1.  Filing fee as calculated and transmitted as described below
2.  Specification having 56 pages and including the following:
  - a.  Descriptive Title of the Invention
  - b.  Cross References to Related Applications (if applicable)
  - c.  Statement Regarding Federally-sponsored Research/Development (if applicable)
  - d.  Reference to Microfiche Appendix (if applicable)
  - e.  Background of the Invention
  - f.  Brief Summary of the Invention
  - g.  Brief Description of the Drawings (if drawings filed)
  - h.  Detailed Description
  - i.  Claim(s) as Classified Below
  - j.  Abstract of the Disclosure

The PTO did not receive the following  
listed item(s)

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## Application Elements (Continued)

3.  Drawing(s) (*when necessary as prescribed by 35 USC 113*)  
a.  Formal      b.  Informal      Number of Sheets 10
4.  Oath or Declaration  
a.  Newly executed (*original or copy*)       Unexecuted  
b.  Copy from a prior application (37 CFR 1.63(d)) (*for continuation/divisional application only*)  
c.  With Power of Attorney       Without Power of Attorney  
d.  DELETION OF INVENTOR(S)  
Signed statement attached deleting inventor(s) named in the prior application,  
see 37 C.F.R. 1.63(d)(2) and 1.33(b).
5.  Incorporation By Reference (*usable if Box 4b is checked*)  
The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under  
Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby  
incorporated by reference therein.
6.  Computer Program in Microfiche
7.  Genetic Sequence Submission (*if applicable, all must be included*)
  - a.  Paper Copy
  - b.  Computer Readable Copy
  - c.  Statement Verifying Identical Paper and Computer Readable Copy

## Accompanying Application Parts

8.  Assignment Papers (*cover sheet & documents*)
9.  37 CFR 3.73(b) Statement (*when there is an assignee*)
10.  English Translation Document (*if applicable*)
11.  Information Disclosure Statement/PTO-1449       Copies of IDS Citations
12.  Preliminary Amendment
13.  Acknowledgment postcard
14.  Certificate of Mailing  
 First Class     Express Mail (*Specify Label No.:*) EF298707462US

**UTILITY PATENT APPLICATION TRANSMITTAL  
(Small Entity)**

*(Only for new nonprovisional applications under 37 CFR 1.53(b))*

Docket No.  
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**Accompanying Application Parts (Continued)**

15.  Certified Copy of Priority Document(s) (*if foreign priority is claimed*)
16.  Small Entity Statement(s) - Specify Number of Statements Submitted: \_\_\_\_\_
17.  Additional Enclosures (*please identify below*):

**Petition to Accept Color Drawings under 37 C.F.R. § 1.84(2); Check in the amount of \$130.00 for the petition fee**

**Request That Application Not Be Published Pursuant To 35 U.S.C. 122(b)(2)**

18.  Pursuant to 35 U.S.C. 122(b)(2), Applicant hereby requests that this patent application not be published pursuant to 35 U.S.C. 122(b)(1). Applicant hereby certifies that the invention disclosed in this application has not and will not be the subject of an application filed in another country, or under a multilateral international agreement, that requires publication of applications 18 months after filing of the application.

**Warning**

*An applicant who makes a request not to publish, but who subsequently files in a foreign country or under a multilateral international agreement specified in 35 U.S.C. 122(b)(2)(B)(i), must notify the Director of such filing not later than 45 days after the date of the filing of such foreign or international application. A failure of the applicant to provide such notice within the prescribed period shall result in the application being regarded as abandoned, unless it is shown to the satisfaction of the Director that the delay in submitting the notice was unintentional.*

**UTILITY PATENT APPLICATION TRANSMITTAL**  
**(Small Entity)**

*(Only for new nonprovisional applications under 37 CFR 1.53(b))*

Docket No.  
P-191

Total Pages in this Submission

**Fee Calculation and Transmittal**

**CLAIMS AS FILED**

For	#Filed	#Allowed	#Extra	Rate	Fee
Total Claims	40	- 20 =	20	x \$9.00	\$180.00
Indep. Claims	6	- 3 =	3	x \$40.00	\$120.00
Multiple Dependent Claims (check if applicable)	<input type="checkbox"/>				\$0.00
				<b>BASIC FEE</b>	<b>\$355.00</b>
OTHER FEE (specify purpose)					\$0.00
				<b>TOTAL FILING FEE</b>	<b>\$655.00</b>

A check in the amount of \$655.00 to cover the filing fee is enclosed.

The Commissioner is hereby authorized to charge and credit Deposit Account No. 500352 as described below. A duplicate copy of this sheet is enclosed.

Charge the amount of \_\_\_\_\_ as filing fee.

Credit any overpayment.

Charge any additional filing fees required under 37 C.F.R. 1.16 and 1.17.

Charge the issue fee set in 37 C.F.R. 1.18 at the mailing of the Notice of Allowance, pursuant to 37 C.F.R. 1.311(b).

Dated: August 23, 2001



\_\_\_\_\_  
Signature

Robert W. Stevens n - 31064  
Cell Pathways, Inc.  
702 Electronic Drive  
Horsham, PA 19044

CC:

Patent Case No. P-191

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Clark M. Whitehead et al. )

For: Methods for Treatment of Scleroderma )

## CERTIFICATE OF MAILING

I certify that the following were deposited with the U.S. Postal Service "Express Mail No. EF298707462US to Addressee" service under 37 C.F.R. § 1.10 on the date indicated below and was addressed to the Assistant Commissioner for Patents, Washington D.C., 20231:

1. Patent Application Transmittal Letter (in duplicate);
2. Patent Application entitled "Methods for Treatment of Scleroderma" (56 pages with 10 sheets of drawings);
3. Declaration and Power of Attorney;
4. Check in the amount of \$655.00 for filing fees;
5. Recordation of Assignment form;
6. Assignment;
7. Check in the amount of \$40.00 for the assignment fee;
8. Statement Under 37 CFR 3.73(b);
9. Verified Statement Claiming Small Entity Status; (37 CFR 1.9 (f) and 1.27 (c);
10. Petition to Accept Color Drawings;
11. Check in the amount of \$130.00 for the petition fee;
12. Certificate of Mailing;
13. Acknowledgement Postcard.

Date: August 23, 2001

Robert W. Stevenson

Send all correspondence to: Robert W. Stevenson  
Cell Pathways, Inc.  
702 Electronic Drive  
Horsham, PA 19044  
(215) 706-3800

**STATEMENT UNDER 37 CFR 3.73(b)**Applicant: Whitehead et al.Application No.: \_\_\_\_\_ Filed: August 23, 2001Entitled: Methods for Treatment of SclerodermaCell Pathways, Inc., a Corporation

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1.  the assignee of the entire right, title, and interest; or
2.  an assignee of an undivided part interest

in the patent application identified above by virtue of either:

A.  An assignment from the inventor(s) of the patent application identified above. The assignment was recorded in the Patent and Trademark Office at Reel \_\_\_\_\_ Frame \_\_\_\_\_, or for which a copy thereof is attached.

OR

B.  A chain of title from the inventor(s), of the patent application identified above, to the current assignee as shown below:

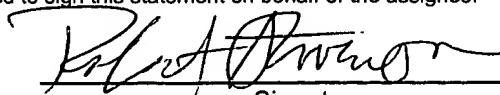
1. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.
2. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.
3. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

 Additional documents in the chain of title are listed on a supplemental sheet. Copies of assignments or other documents in the chain of title are attached.

The undersigned (whose title is supplied below) is empowered to sign this statement on behalf of the assignee.

August 23, 2001

Date



Signature

Robert W. Stevenson

Typed or printed name

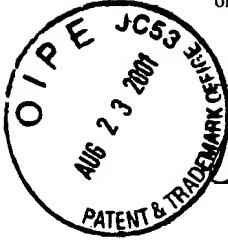
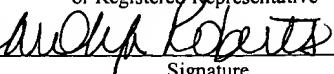
Vice President

Title

08-24-01

I hereby certify that this correspondence is being sent via Express Mail #EF298707462US to:  
Assistant Commissioner of Patents and Trademarks,  
Box Patent Application, Washington, D.C. 20231

on August 23, 2001  
Date of Mailing

  
Carolyn Roberts  
Name of applicant, assignee  
or Registered Representative  
  
Signature

August 23, 2001  
Date of Signature

PATENT  
Case No. P-191

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Whitehead et al. )  
Serial No.: Not Yet Assigned ) Group Art Unit: Not Yet Assigned  
Filed: August 23, 2001 ) Examiner: Not Yet Assigned  
For: METHODS FOR TREATMENT OF )  
SCLERODERMA )

PETITION AND FEE TO ACCEPT COLOR DRAWINGS  
UNDER 37 C.F.R. § 1.84(2)

Honorable Commissioner of  
Patents and Trademarks  
Washington, D.C. 20231

Dear Sir:

Applicants petition the Patent Office to accept certain color figures in the above utility application.

Specifically, the Applicants request acceptance of Figure 2, 3, 4, 5, 8, 9, 10 and 11 in color. These figures represent color stainings of various biological samples. Black and white copies of these figures do not distinguish the staining from the biological samples themselves. Three copies of these figures are included with this petition. One copy is attached to the application.

The fee as set forth in 37 C.F.R. § 1.17(i) is included with this petition.

Respectfully submitted,



Robert W. Stevenson - 31064  
Attorney for Applicants

August 23, 2001

CELL PATHWAYS, INC.  
702 Electronic Drive  
Horsham, PA 19044  
(215) 706-3800

RECEIVED  
U.S. PATENT AND  
TRADEMARK OFFICE  
August 23, 2001